

EXHIBIT 5

CITY OF SANTA BARBARA

ADDENDUM TO MITIGATED NEGATIVE DECLARATION MST2000-00324 FOR 211 & 213 STEARNS WHARF

June 12, 2003

This Addendum is prepared in accordance with State CEQA Guidelines Section 15164, which provides that an Addendum to a previous negative declaration may be prepared if only minor changes or additions are necessary to make the prior document adequate for the current project.

PRIOR ENVIRONMENTAL DOCUMENT

A Negative Declaration MST2000-00324 was prepared for the Sea Center revitalization project to be located at 211 and 213 Stearns Wharf. The project involves demolition of an existing two-story, 2,056 sq. ft. Sea Center building and a two-story, 1,059 sq. ft., Nature Conservancy building; and construction a new two-story, 6,327 sq. ft. Sea Center. The Final Negative Declaration was adopted by the Planning Commission on January 24, 2002. The Final Negative Declaration included mitigation measures associated with air quality, hazards, noise, public services, recreation, and traffic impacts, which were incorporated into the project as conditions of approval. The document concluded that no significant effects on the environment would result from the project. The proposed project was conditionally approved by the California Coastal Commission on March 6, 2002.

CHANGES IN ENVIRONMENTAL CIRCUMSTANCES

There have been no substantial changes in existing environmental conditions since preparation of the Negative Declaration MST2000-00324.

CURRENT PROJECT DESCRIPTION

On March 20, 2003, the applicant submitted an application for an amendment to the approved project. During the final design stage of the project, the applicant was informed that certain design elements were omitted in the preliminary structural analysis of the Wharf, and that the section of the Wharf in the project location is structurally inadequate to support the proposed building. As such, the applicant is requesting an amendment to the approved project to include the demolition and reconstruction of the Wharf section required to support the proposed structure, and for construction of a temporary staging area to be maintained for the duration of the construction period and to be removed upon completion of construction. The amendment request also includes shifting the proposed

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building footprint approximately 8 feet to north (toward the shore) to ensure that the proposed building will be supported entirely on the new Wharf structure. No additional changes are proposed for the previously approved structures.

The proposed demolition and reconstruction of the section of Wharf would require that approximately 153 wood piles be removed and replaced with approximately 70 new, 16 inch steel piles. 21 of the piles to be replaced with the project proposal already require replacement due to general structural degradation or previous damage incurred during the 2002 Wharf fire. The new steel piles would be of the same size and design as those used in the area of the Moby Dick restaurant to ensure consistency with the character of the existing wood Wharf. Demolition of the existing wharf structure and buildings, and construction of the new wharf and temporary staging area are anticipated to occur over a 5 1/2 month time period. A concrete slab (approximately the same size as the proposed building footprint) would be used to support the new building, while wood stringers and Douglas Fir timber decking from the existing Wharf would be reused for those sections of the reconstructed Wharf outside of the building footprint to maintain the character of the existing Wharf deck.

The temporary staging area is proposed to be constructed adjacent to the west side of the project area, and would be approximately 20 feet in width, requiring approximately 30 temporary piles. The temporary staging area is proposed to reduce safety concerns for workers during construction due to the inadequacy of this section of the Wharf to support the equipment needed to remove and drive pilings. The temporary staging area is also proposed with the intent of providing temporary storage of construction materials needed for each day's work, which would minimize potential impacts to public parking areas and visitor-serving uses on the Wharf by reducing the number of trips necessary to transport construction materials for a day's work. It is also anticipated that utilizing the temporary staging area would reduce the duration of the overall construction period of the new Wharf section and Sea Center building by approximately 2 1/2 months. The amendment request includes removal of the temporary staging area upon completion of construction.

The proposed amendment does not involve significant changes to the previously approved building, with the exception of an 8 foot northerly shift of building location on the Wharf deck, and involves no changes in building size, height, square footage, use, or parking requirements.

PROJECT IMPACTS AND MITIGATIONS

The revised project proposal is intended to incorporate a section of Wharf reconstruction in the area of the proposed Sea Center building. As such, the majority of the revised project components involve changes to the existing Wharf structure below the previously approved building, with the minor exception of shifting the building footprint on the Wharf deck 8 feet in a northerly direction. The change in building location is proposed to ensure that the entire building foundation will be supported on the reconstructed Wharf

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deck. No additional changes are proposed for the previously approved Sea Center building. As such, previous environmental review and recommended mitigation measures outlined in the Negative Declaration and incorporated as conditions of approval for the construction of the Sea Center building remain applicable to the revised project. The proposed project amendment will not substantially change the prior Negative Declaration analysis for aesthetics, air quality, cultural resources, noise, population and housing, impacts to public services, recreation, and transportation and circulation. However, because the revised project proposal involves reconstruction of a section of Wharf that would require new foundation work and construction within the marine environment, supplemental environmental review is provided for the project changes and potential project impacts related to biological, geophysical, hazards, and water resources.

Aesthetics: The project site is located on the Wye portion of Stearns Wharf, which is visible from a number of vantage points in the Waterfront area as well as higher elevations of the City. Several locations on Stearns Wharf provide viewing opportunities of the Waterfront, harbor, and the foothills and mountains. The Negative Declaration provides a detailed visual analysis of the previously approved building from significant vantage points and concludes that visual impacts of the proposed building would be less than significant. The Architectural Board of Review (ABR) has also found the proposed Sea Center building consistent with ABR guidelines and criteria, and also found that the building will not have an adverse aesthetic impact. Additionally, lighting for the new structure must be found consistent with the City's Lighting Ordinance and the Harbor Master Plan Design Guidelines.

The revised project proposal involves a minor shift in building location on this section of the Wharf, (an approximate 8 foot shift to the north of the approved location), and involves no change in the size, height, or design of the previously approved building. The minor shift in building footprint is necessary to ensure that the structure is supported entirely on the newly constructed Wharf section. The revised building location will not necessitate additional visual analysis from that provided for the Negative Declaration as the revised building location would be primarily in the same location as the previously approved building footprint. As viewed from vantage points in the Waterfront, City and Wharf, the building repositioning would appear substantially similar to that previously approved and, therefore, the findings of less than significant aesthetic impacts of the Negative Declaration with respect to the proposed Sea Center structure remain applicable.

The Architectural Board of Review (ABR) reviewed the proposed project revisions, including plans for reconstruction of the section of the Wharf, and found that the revised project, as submitted, is acceptable (See ABR minutes, Attachment F). The applicant is proposing to replace the existing section of Wharf utilizing steel piles, (similar in size and design to those used in the area of the Moby Dick restaurant), steel stringers and a concrete pad to support the building. The concrete foundation slab would be approximately the same size as the footprint of the Sea Center building. The

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reconstructed pier area surrounding the building footprint would utilize the original decking and stringers from the existing pier to maintain the historic appearance and character of the Wharf, and reduce the amount of construction debris and new materials needed to construct the project. For these reasons the project, as proposed, would not result in potential adverse impacts to public scenic views and aesthetic resources.

Air Quality: The proposed project does not involve grading, paving, or landscaping, or any other construction activities which could potentially cause localized dust related impacts resulting in increased particulate matter. Construction equipment necessary to reconstruct the Wharf and the new Sea Center building would result in some localized air pollution emissions. The City and Santa Barbara County Air Pollution Control District does not have specified thresholds of significance for temporary construction-related emissions as the cumulative yearly total of all construction in the County constitutes a small fraction of total air pollutant emissions. Air pollution emissions from construction equipment are considered to result in significant environmental impacts when a major project involves extensive use of construction equipment over an extensively long period of time. The proposed project would require use of large construction equipment for a definitive construction period (approximately 11 months for Wharf and Sea Center structural construction). The project therefore would result in less than significant levels of air pollution emissions. Because the proposed project revision would not result in any change to the previously approved building and long-term use of the site, the Negative Declaration findings relative to traffic counts and vehicle emissions, sensitive receptors, and odorous emissions remain applicable. Implementation of appropriate Clean Air Plan Transportation Control Measures, consistent with Air Pollution Control District rules and regulations will ensure that potential adverse air quality impacts resulting from the proposed project would be less than significant.

Biological Resources: The project site is located in close proximity to a working harbor, the Waterfront area and recreational beaches. Though the area surrounding the project site is urbanized, there remains the potential for sensitive habitat and species to occur in the project area. The Negative Declaration describes potentially occurring federally and state protected and sensitive species at or adjacent to Stearns Wharf, the harbor and shoreline areas. In addition, a Biological Resources Evaluation Report was prepared for the proposed revised project by Science Applications International Corporation, dated March 12, 2003 (Attachment D), which identifies existing habitats and species of the project area, and includes an analysis of potential project impacts with recommended mitigation measures.

The Negative Declaration analysis of the original project proposal found that no significant adverse impacts to biological resources were anticipated due to the fact that construction activities were to occur primarily on the Wharf deck. The revised project proposal would require pile replacement under Stearns Wharf which would intrude into the marine environment and temporarily disturb soft bottom communities and result in temporary turbidity. However, because less piles are to be installed than would be

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removed, additional soft bottom area where existing piles are to be removed would become available for recolonization by invertebrates resulting in a small net gain of soft bottom habitat. Removal of existing piles would also result in temporary turbidity of the water column due to hand clearing of bottom sediments to allow cutting of the piles below the mud line. Potential water quality impacts associated with increased turbidity and bottom sediment disturbance are anticipated to be less than significant due to the temporary and localized nature of the disturbance and anticipated rapid dispersal.

Removal of existing pilings would result in a loss of hard substrate habitat that supports primarily invertebrate marine organisms that colonize the pilings. Replacement piles would have a new steel surface as opposed to the existing wood piles; however, coating on the steel piles used to prevent erosion would not prevent attachment and recolonization of the new piles. Because fewer new piles would be installed than removed, overall surface area for marine organism colonization of the piles would decrease. However, because only a portion of the Wharf's piles would be replaced, biological productivity would continue to be provided by the number of other undisturbed piles supporting the Wharf. In addition, the proposed replacement steel piles would require less maintenance than the existing wood piles thereby minimizing the amount of future disturbance of maintenance activities. As such, potential impacts to biological resources resulting from the proposed project would be local and minor in nature constituting less than significant impacts.

Pile removal and driving activities are anticipated to produce noise which could potentially temporarily impact fish and wildlife species in the project area. Marine mammals and birds are expected to avoid the work area or habituate the disturbance of construction activities. The Biological Resources Evaluation Report prepared by Science Applications International Corporation, dated March 12, 2003, indicates that pile driving activities may potentially adversely affect fish that occur near the piling driving operations. However, the impact analysis of the report indicates that potential fish losses would be less than significant for the local population as the impact would be minor, would not be expected to affect protected species, and would occur over a short period of time.

It is not anticipated that pile removal and driving activities for the proposed project would adversely affect migrating steelhead as project construction would occur during the summer and fall months when the mouth of Mission Creek is closed. To ensure that the proposed project would not adversely impact steelhead, Mitigation Measure BIO-1 indicates that pile driving activities shall be conducted only when the mouth of Mission Creek is naturally closed and migrating steelhead are not likely to be present.

Noise from pile driving activities could potentially affect snowy plover resting and foraging should snowy plovers occur at the sandspit off the breakwater, (approximately 1000 feet west of the project site), during the months of August through March when plovers may inhabit the sandspit. Noise from pile driving activities could also potentially

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affect California least tern resting and foraging should least terns occur at the sandspit off the breakwater, during the months of July and August. Due to the potential of pile driving activities to affect snowy plovers, Mitigation Measure BIO-2 indicates that should pile driving activities occur during the months of August through March, the applicant shall submit a survey, conducted by a qualified biologist for City Environmental Analyst review and approval. The survey shall determine if snowy plovers are present, and if so, where they are nesting and foraging. If plovers are determined to be present during construction, the species' activities shall be monitored during pile driving activities and the monitor shall have the authority to stop pile driving activities should it be determined that construction generated noise is causing an adverse response in the plovers.

Likewise, due to the potential of pile driving activities to affect least terns resting and foraging, Mitigation Measure Mitigation Measure BIO-3 indicates that should pile driving activities occur during the months of July and August, the applicant shall submit a survey, conducted by a qualified biologist for City Environmental Analyst review and approval. The survey shall determine if least terns are present, and if so, where they are nesting and foraging. If least terns are determined to be present during construction, the species' activities shall be monitored during pile driving activities and the monitor shall have the authority to stop pile driving activities should it be determined that construction generated noise is causing an adverse response in the least terns.

Mitigation Measures:

- BIO-1 Pile driving activities shall be conducted only when the mouth of Mission Creek is naturally closed and migrating steelhead are not likely to be present.
- BIO-2 Should pile driving activities occur during the months of August through March, the applicant shall submit a survey, conducted by qualified biologist for City Environmental Analyst review and approval. The survey shall determine if snowy plovers are present, and if so, where they are nesting and foraging. If snowy plovers are determined to be present during construction, the species' activities shall be monitored during pile driving activities and the monitor shall have the authority to stop pile driving activities should it be determined that construction generated noise is causing an adverse response in the plovers.
- BIO-3 Should pile driving activities occur during the months of July and August the applicant shall submit a survey, conducted by qualified biologist for City Environmental Analyst review and approval. The survey shall determine if least terns are present, and if so, where they are nesting and foraging. If least terns are determined to be present during construction, the species' activities shall be monitored during pile driving activities and the monitor shall have the authority to stop pile driving activities should it be determined that construction generated noise is causing an adverse response in the least terns.

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Cultural Resources: According to the City's Master Environmental Assessment (MEA) the project site is not located in an archaeological resource sensitivity zone. Stearns Wharf is a potential structure for designation as a City Landmark. The Historic Landmarks Commission (HLC) recognizes the Wharf as a significant structure due to its contribution to maritime history of the past 120 years. As proposed to utilize materials similar in color, size and design, and to utilize the original decking and stringers from the existing pier to maintain the historic appearance and character of the Wharf, the proposed project would not result in an adverse impact to a historic resource.

Geophysical: According to the City Master Environmental Assessment (MEA), the project site is not subject to substantial ground shaking or liquefaction, landslides, mudslides, subsidence or expansive soils. The City's MEA indicates that an inferred fault may run east/west near the project site. The revised project proposal includes a new concrete building foundation as well as reconstruction and structural upgrades of the section of Wharf required to support the new building load. All of the proposed improvements would be built to current Uniform Building Code seismic requirements with review and permitting by City Building and Safety, therefore, significant impacts from fault rupture are not anticipated. In addition, the applicant has submitted a Stearns Wharf, Sea Center Renovations, Structural Calculations report prepared by Moffat & Nichol, International, dated May 12, 2003. The structural calculations consider design criteria for a number of environmental factors that could potentially affect the stability of the project site including geotechnical conditions, wind load, earthquake forces, and wave forces. With incorporation of design criteria which account for the anticipated geophysical constraints of the project area, impacts associated with the geophysical conditions are expected to be less than significant. The project site is in an area potentially subject to seiche and tsunami, however, the proposed project constitutes a continuation of an existing land use that will not change the level of public exposure nor result in increased hazards associated with seiche or tsunami risks.

Hazards: The proposed project would necessitate use of construction equipment on the Wharf which could potentially result in accidental or inadvertent discharge of debris and/or fuels, lubricants, or hydraulic fluids into the marine environment during the construction period. The Harbor has a U.S. Coast Guard-approved spill response plan to respond to accidental spills which may occur in the area of the proposed project. The Negative Declaration contains mitigation measures which require construction equipment to be maintained and checked regularly and requires that spill containment and clean-up equipment be present at the work site. In addition to the mitigation measures described in the Final Negative Declaration, an additional mitigation measure HAZ-3 shall be required to ensure that Construction Best Management Practices (BMPs) are implemented to minimize potential construction related discharge into the marine environment. Implementation of the mitigation measures identified in the Negative Declaration would ensure that potential hazard impacts associated with the proposed project would be less than significant.

Mitigation Measures:

HAZ-3 The owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Best Management Practices.

Noise: Long-term operation of the Sea Center is not anticipated to generate recreational and other harbor user noise levels in excess of City standards. Noise generated during construction activities, including pile driving, could result in short-term adverse impacts to the surrounding area. Short-term construction-related noise impacts are considered adverse, but less than significant. As identified in the Negative Declaration, short-term construction noise impacts would occur intermittently, but would be minimized with implementation of mitigation measures, including limiting construction operations to week days and specific time periods and by requiring all construction equipment to be professionally maintained and fitted with standard manufacturer's muffler and silencing devices.

Population and Housing: The proposed project is located in an existing developed portion of the City's Waterfront area where all major public infrastructure exists. The project would not result in growth-inducing impacts and would not displace housing.

Public Services: The proposed project has been granted a Modification by the Fire Department for the standard requirement of a 20 foot access route to the within 150 feet of all exterior portions of the building. The Modification was granted due to the limited width of the Wharf structure, and in place of a provision for automatic fire sprinklers, fire alarm system, deluge sprinkler system to be installed under the Wharf, and a wet standpipe system on the Wharf. In addition, the proposed project revision includes new steel piles and pile caps, and a concrete foundation for the Sea Center building which would reduce the potential for fire occurrence in the section of the reconstructed Wharf.

The detailed analysis and findings of the Negative Declaration indicate that the proposed project would be served by all necessary public services and facilities including adequate City water, sewer, fire, police, and other governmental services; utilities, and waste disposal services; and schools.

The proposed project includes a provision that the Museum of Natural History will recycle the existing building and use "green building" techniques in the new Sea Center to the greatest extent feasible. In addition, the revised project proposal includes utilizing decking and stringers from the existing pier in Wharf areas to be reconstructed around the building footprint, thereby reducing the amount of construction debris and new materials needed to construct the project. The project, as proposed and with implementation of the source reduction/recycling plan and provisions as detailed in the Negative Declaration, would further reduce less than significant levels of potential solid waste impacts.

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Recreation: Stearns Wharf provides for a number of recreational opportunities such as fishing, walking, sightseeing, shopping and dining. The proposed project revisions would not result in a substantial change in the previously approved building footprint and Wharf configuration which, as proposed, would provide deck area surrounding the structure that would be open for public access and recreation activities. The proposed project also includes three new public benches in the project area. Implementation of mitigation measures to incorporate public bench seating and public access signage into the project, as detailed in the Negative Declaration, would further reduce less than significant impacts on recreational opportunities on the Wharf.

Transportation/Circulation: Based on the analysis contained in the Negative Declaration provided by City Transportation Staff, and on information contained in the Waterfront Area Transportation Study 2 (WATS2), dated May 25, 2001, the proposed project will not result in significant traffic or parking impacts. The revised project proposal would not result in any substantial changes to the size, location or use of the Sea Center building. Therefore, the finding of less than significant impacts of the Negative Declaration relative to potential transportation and circulation impacts remain applicable. In addition, as with the original project proposal, the revised project would require that the Wye portion of the Wharf be closed to the public during construction to ensure public safety. Implementation of the mitigation measures identified in the Negative Declaration to minimize construction related traffic, and special provisions for construction parking, would ensure that less than significant impacts to transportation and circulation are further minimized.

Water Environment: The proposed project is located on Stearns Wharf in the marine environment and involves demolition of two existing buildings and construction of one building, and reconstruction of a section of the Wharf. The project will not substantially change absorption rates, drainage patterns, or the rate or amount of surface runoff, nor will the project affect groundwater. Implementation of the mitigation measures outlined in the Hazards Section of the Negative Declaration would ensure that construction equipment is maintained and checked regularly and that spill containment and clean-up equipment is present at the work site during construction. To further reduce the amount construction related materials in the marine environment and minimize potential adverse impacts to the water environment, an additional mitigation measure would be implemented to ensure that the entire temporary staging area, including pilings, will be removed upon completion of the proposed construction activities. Implementation of the identified mitigation measures will ensure that the proposed project will not result in discharge into the marine environment.

In addition, the applicant has submitted a Stearns Wharf, Sea Center Renovations, Structural Calculations report prepared by Moffat & Nichol, International, dated May 12, 2003. As described in the Geophysical Section above, the structural calculations consider design criteria for a number of environmental factors including wave forces. With design criteria which account for maximum expected wave uprush at the site, impacts associated

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with water related hazards are anticipated to be less than significant. The proposed project involves the upgrade and continuance of existing uses and structures at the project site and, therefore, would not change the level of public exposure to water related hazards beyond existing conditions.

As discussed previously in the Biological Resources Section, removal and replacement of wharf pilings would result in temporary turbidity effects that would rapidly disperse and would not result in or constitute a significant water quality effect.

Mitigation Measures:

WE-1 Prior to the issuance of any Public Works Permit or Building Permit, the Owner shall provide bonding/securities for the complete removal of all temporary structures, bolts, attachment and mechanical devices, and temporary pilings that the contractor constructed for the staging areas. This includes the complete removal of pilings below the ocean/sea bottom. The contractor shall not cut off the pilings below the ocean/sea bottom. The Owner shall sign an agreement, provided by City Staff, for these construction securities. The agreement shall be reviewed and approved as to form by the City Attorney.

CEQA FINDING

Based on the above review of the project, in accordance with State CEQA Guidelines Section 15612, no Subsequent Negative Declaration or Environmental Impact Report is required for the current project, because new information and changes in circumstances, project description, impacts and mitigations are not substantial and do not involve new significant impacts or a substantial increase in the severity of previously identified impacts.

This Addendum identifies the current project changes and minor changes to project impacts. With application of identified mitigation measures, all project impacts will be less than significant. This addendum, together with Negative Declaration MST2000-00324, constitute adequate environmental documentation in compliance with CEQA for the current project.

Prepared by: _____ Date: _____
(April Verbanac, Associate Planner)

Reviewed by _____ Date: _____
Barbara Shelton, Environmental Analyst

Attachments:

- A. Amended MMRP
- B. Project Location and Plans
- C. Applicant Letter and Amendment Request, March 20, 2002
- D. Biological Resources Evaluation Report, Science Applications International Corporation, dated March 12, 2003
- E. Stearns Wharf Analysis, Moffatt & Nichol, May 21, 2002
- F. Architectural Board of Review Minutes, April 7, 2003
- G. Planning Commission Resolution No. 006-02
- H. Planning Commission Staff Report, January 18, 2002
Final Negative Declaration MST2000-00324, January 17, 2002